

Serial No. 10/528,318
Atty. Doc. No. 2002P15665WOUS

APR 05 2007

REMARKS

Claims 14 and 17-20 stand rejected under 35 U.S.C. 112, second paragraph as not being sufficiently definite. Claims 13-16 stand rejected under 35 U.S.C. 102(b) as being anticipated by US patent No. 5,001,933 (hereinafter Brand). Claims 17-20 stand rejected as being unpatentable under 35 USC 103(a) over Brand.

Claims 1-12 were previously canceled. Claims 21-28 have been withdrawn from consideration and are presently cancelled. Accordingly, claim 13-20 remain pending.

The claims have been amended to address the issues noted in the Office Communication regarding 35 U.S.C. 112, second paragraph. Accordingly, these rejections should be withdrawn.

MPEP §2131 provides that a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference. The identical invention must be shown in as complete detail as contained in the claim. The elements must be arranged as required by the claim.

Claim 13 is directed to an acousto-mechanical method for monitoring and carrying out a diagnosis of a technical installation. Accordingly, claim 13 recites a step for uniquely assigning an acoustical signal to a specific failure of a rotatable component of the technical installation, wherein a frequency range of the uniquely assigned acoustic signal is selected to be human audible, and a step for mounting a vibratory device on the component, wherein the vibratory device is configured to generate the uniquely assigned acoustic signal in the event the specific failure of the component occurs.

Brand is directed to a micromechanical vibration sensor. More particularly, Brand describes a microstructure 11 that senses vibration for completing an electrical connection to control circuitry 13. See Brand, col. 3, lines 47-48. See also Brand, col. 2, lines 49-55. That is, Brand expressly teaches away from the presently claimed invention being that Brand's vibrating microstructure is merely used for completing an electrical connection in an electrical circuit, whereas the claimed invention recites structural and/or operational relationships regarding a purely acousto-mechanical methodology and has nothing to do with completing an electrical connection in an electrical circuit. Anticipation under 35 U.S.C. §102 requires that "The identical invention must be shown

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in as complete detail as contained in the ...claim." (Citations omitted) Accordingly, it is submitted that Brand fails to anticipate or otherwise render unpatentable claim 13.

Claims 14-16 depend from claim 13 and thus incorporate the structural and/or operational relationships set forth in claim 13 plus their own recitations. It is respectfully submitted that Brand also fails to anticipate such claims under the §102 statutory requirements and these rejections should be withdrawn.

Claim 17 is directed to an acousto-mechanical apparatus for monitoring and carrying out a diagnosis for a power plant. Accordingly, claim 17 recites a vibratory device assigned to a component of the power plant for producing a uniquely assigned acoustical signal when a specific failure occurs in a rotatable component of the power plant, wherein a frequency range of the unique acoustic signal is selected to be human audible.

Brand is directed to a micromechanical vibration sensor. More particularly, Brand describes a microstructure 11 that senses vibration for completing an electrical connection to control circuitry 13. See Brand, col. 3, lines 47-48. See also Brand, col. 2, lines 49-55. That is, Brand expressly teaches away from the presently claimed invention being that Brand's vibrating microstructure is merely used for completing an electrical connection in an electrical circuit, whereas the claimed invention recites structural and/or operational relationships regarding an acousto-mechanical apparatus and has nothing to do with completing an electrical connection in an electrical circuit. Accordingly, it is submitted that Brand fails to render unpatentable claim 17.

Claims 18-20 depend from claim 17 and thus incorporate the structural and/or operational relationships set forth in claim 17 plus their own recitations. It is respectfully submitted that Brand also fails to obviate such claims under the §103 statutory requirements and these rejections should be withdrawn.

Conclusion:

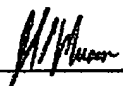
It is respectfully submitted that each of the claims pending in this application recites patentable subject matter and it is further submitted that such claims comply with all statutory requirements and thus each of such claims should be allowed.

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The commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, including the fees specified in 37 C.F.R. §§ 1.16 (c), 1.17(a)(1) and 1.20(d), or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

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By: 
John F. Musone
Registration No. 44,961
(407) 736-6449

Siemens Corporation
Intellectual Property Department
170 Wood Avenue South
Iselin, New Jersey 08830